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David S. Rodgers.

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DAVID S. RODGERS.

MAY 4, 1846.

Read, and laid upon the table.

Mr. BURT, from the Committee on Military Affairs, made the following

REPORT:

The Committee on Military Affairs, to whom was referred the petition of Captain David S. Rodgers, submit the following report:

The petitioner was the captain of a company of Tennessee volunteers, raised by authority of the act of Congress approved the 23d day of May, 1836. This company was mustered into the service of the United States at Athens the 8th day of July of that year, and served as cavalry until the 2d day of November ensuing. The privates received for this service each \$92. 09, consisting of \$23. 02 for pay, \$9. 79 for clothing, \$47. 20 for use of his horse, \$8. 80 for travelling pay, and for travelling subsistence \$3. 28.

General Wool, commanding officer of the army in the Cherokee nation, not deeming Captain Rodgers's company longer necessary, ordered this company, with others of the Tennessee brigade, to return home, and there wait, without pay, the future orders of the President of the United States, or of the commanding general of the Cherokee forces. This order was issued the 1st of November, 1836. Captain Rodgers's company was finally discharged the 31st of March, 1837. The Secretary of War construed the order of November the 1st a furlough, and decided that the companies ordered home were entitled to pay as infantry from its date to their final discharge. In conformity with this decision of the Secretary of War, the company of Captain Rodgers was paid, and each private received for pay \$29. 60, subsistence \$18. 62, and \$33. 05 the balance due for clothing. The company of Captain Rodgers having volunteered and been accepted for twelve months, the Secretary of War held that they were entitled to clothing for that period, without regard to the time of service. It thus appears that the pay of the privates of Captain Rodgers's company, whilst at home under the order of 1st November, actually received by them, was \$13. 32 per month, instead of \$7. 50, as alleged in his memorial.

The petitioner, for his company, claims certain undrawn rations from the 1st July to the 30th September, 1836, and forage for fifty-eight horses twenty-eight days. Your committee are informed that when volunteers furnish their own subsistence and forage, it is invariably so stated in their muster rolls, and they are promptly paid by the proper department. But if subsistence and forage in such cases are furnished in kind by the United